

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 39
(SHOW CAUSE ORDER REGARDING DISMISSAL OF ENDO ENTITIES)**

Pending is a Joint Motion for Order to Show Cause Applicable to all Cases Why the Court Should Not Enter Stipulated Order Dismissing Certain Defendants from all Cases Without Prejudice, filed January 8, 2013. [ECF 370.] In the Motion, co-lead counsel for plaintiffs and Endo Health Solutions, Inc., Endo Pharmaceuticals Inc., American Medical Systems Holdings, Inc. (collectively referred to as the “Endo Entities”),¹ and defendant American Medical Systems, Inc. (“AMS”) request that the court issue an Order to Show Cause why the court should not enter an order dismissing without prejudice, the Endo Entities from the member cases in this and the other four MDLs assigned to the court as set forth in the Agreed Order re: Dismissal of Endo Entities in all Cases, attached hereto as **Exhibit A**.

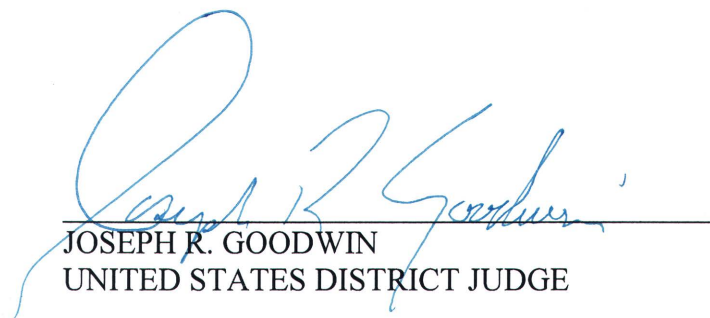
Upon review of the proposed Agreed Order Re: Dismissal of Endo Entities in all Cases jointly submitted by the parties and attached hereto as Exhibit A, as well as the Joint Motion, including all documents referenced therein (MDL 2325, ECF 253, 254, and 272), it is

¹ Parties in this and the other MDLs have named the Endo Entities in variations other than those named above. **Exhibit 1**, which is attached to Exhibit A, contains the current list of variations for the Endo Entities, which parties the court considers as Endo Entities. Reference in this order to “Endo Entities” includes the entities listed in Exhibit 1. To the extent new parties are named after the entry of this order that may be considered Endo Entities, the court will amend Exhibit 1.

ORDERED that the Joint Motion for Order to Show Cause is **GRANTED**. It is further **ORDERED** that counsel of record for any plaintiff and any *pro se* plaintiff in any case currently pending in MDLs 2187, 2325, 2326, 2327, and 2387 shall file any written opposition to entry of the order set forth in Exhibit A, by **March 8, 2013**, and shall thereafter be ordered to appear and show cause before this court on **March 21, 2013, at 10:00 a.m.** why the court should not enter the order set forth in Exhibit A in MDL Nos. 2187, 2325, 2326, 2327, and 2387.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-02776. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: February 21, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE